



Bill Summary

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

Rep. Henry A. Waxman

Chairman, Committee on Oversight and Government Reform

On March 5, 2007, Reps. Wm. Lacy Clay, Todd Russell Platts, and Henry A. Waxman introduced H.R. 1309, the Freedom of Information Act Amendments of 2007. This legislation contains a dozen substantive provisions that will increase public access to government information by strengthening the Freedom of Information Act (FOIA).

Restoring the Presumption of Disclosure to FOIA. The bill would reaffirm the presumption that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee a harm from such a disclosure.

Helping FOIA Requesters Obtain Timely Responses. Agencies are required to respond to FOIA requests within 20 days but delays and backlogs are all too common. H.R. 1309 makes this deadline meaningful by ensuring that the 20-day statutory clock runs immediately upon an agency's receipt of a request and by imposing consequences on federal agencies for missing the deadline. The bill also requires agencies to provide requesters with individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests.

Improving Transparency in Agency Compliance with FOIA. The bill strengthens agency reporting requirements to identify excessive delays and requires each agency to make the raw data used to compile its annual reports publicly available. The bill also requires the Government Accountability Office to report annually on the Department of Homeland Security's use of the broad disclosure exemption for "critical infrastructure information."

Providing an Alternative to Litigation. H.R. 1309 creates a new FOIA ombudsman to help FOIA requesters resolve problems without having to resort to litigation. The FOIA ombudsman will be located at the National Archives and will help requesters by providing informal guidance and nonbinding opinions regarding rejected or delayed FOIA requests. The FOIA ombudsman will also review agency compliance with FOIA.

Providing Accountability for FOIA Decisions. H.R. 1309 makes it more feasible for citizen groups to challenge the improper withholding of government information by expanding access to attorneys' fees for FOIA requesters who successfully challenge an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against government officials who arbitrarily and capriciously deny disclosure.